



{1}

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.269 OF 2025

Amol Kisan Khemnar

Age: 22 years, Occu.: Agriculture,

R/o. Gawali Vasti Newasa (Bk),

Tq. Newasa, Dist. Ahmednagar.

... Applicant

Versus

The State of Maharashtra

Through Police Inspector

Newasa Police Station

Dist. Ahmednagar.

... Respondent

.....

Mr. D.R. Kale, Advocate for Applicant

Ms. Vaishali S. Choudhari, APP for Respondent - State

.....

CORAM : ABHAY S. WAGHWASE, J.

DATED : 21 FEBRUARY 2025

PER COURT :-

1. Applicant seeks regular bail on account of his arrest in Crime No.0746 of 2024, registered at Newasa Police Station, District Ahmednagar for offences punishable under Sections 103(1), 115(2), 351(2), 352, 3(5) of the Bharatiya Nyaya Sanhita (BNS).

2. Learned counsel for the applicant submitted that applicant is arrested in above crime on 06.08.2024. That, though alleged occurrence is of 31.07.2024, after a week delay, FIR has been

{2}

lodged. He pointed out that, omnibus allegations are levelled against the present applicant and others of giving kicks and fist blows. That, there was no motive, intention or premeditation. That, occurrence was sudden, due to previous quarrel. That, deceased had come to applicant's field. That, now, investigation is over, and charge-sheet is filed in October 2024 itself, and when nothing further is shown to be recovered or discovered at the instance of applicant, learned counsel seeks grant of bail, as he is ready to abide all and any conditions imposed by this Court.

3. Learned APP strongly opposed on the ground that due to beating deceased suffered rupture of intestine and succumbed to the same. That, there is the Doctor's opinion that his death is due to beating by fists and blows. Learned APP pointed out that there are eye witnesses. That, there being occurrence resulting into death, learned APP opposes the application.

4. Heard. Perused the papers including FIR at the instance of one Bhausahab Parbhat Nemane. Apparently, occurrence is of 31.07.2024 and report is lodged on 05.08.2024. Thus, it is a delayed FIR. Informant has stated that on 30.07.2024, he and his wife had to the Lasur Station, and when they returned, at around 05:30 p.m., they found their deceased son Sharad sitting outside the home and he was vomiting. On being questioned, it was

{3}

allegedly reported by deceased that, in the backdrop of previous incident of fight, at around 11:30 a.m., present applicant, one Vatsalabai Khmmar and Kisan Khemnar heard abuses, and thereafter, he was beaten by kicks and fist blows in the stomach. On complaint, of abdominal pain, his son was taken to the hospital. Subsequently, his son died on 01.08.2024, while he was being shifted to Government Hospital. Thereafter, after last rituals, above report has been lodged.

5. Learned APP pointed out that there are eye witness account. She pointed to the statement of Meerabai, who stated that, on 31.07.2024 at around 11:30 a.m. she spotted Sharad Bhausahab Nemane lying in the field and she had seen Amol Khemnar giving kicks and fist blows and parents of Amol were standing nearby. However, the occurrence is of 31.07.2024 and her statement is recorded on 07.08.2024. Consequently, when nothing is further shown to be recovered and discovered at his instance and when there are no immediate prospects of matter going for trial, relief as prayed deserves to be granted. Hence, the following order:-

ORDER

- (i) Application is allowed.

{4}

- (ii) Applicant Amol Kisan Khemnagar be released on bail in connection with Crime No.0746 of 2024, registered at Newasa Police Station, District Ahmednagar on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following condition:
- (a) The applicant shall not enter village Siresaygaon, Tq. Gangapur, District Chh. Sambhajinagar till conclusion of trial.
- (iii) Applicant shall not tamper prosecution evidence.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane